

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

11 CALIFORNIANS FOR RENEWABLE
12 ENERGY, ASHURST BAR/SMITH
13 COMMUNITY ORGANIZATION,
14 CITIZENS FOR ALTERNATIVES TO
RADIOACTIVE DUMPING, SAINT
FRANCIS PRAYER CENTER, SIERRA
CLUB, and MICHAEL BOYD,

Case No: C 15-3292 SBA
AMENDED JUDGMENT

15 Plaintiffs,

16 |

vs.

17 UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY and ANDREW R.
18 WHEELER, in his official capacity as
Administrator of the Environmental
19 Protection Agency,

Defendants.

22 In accordance with the Court's Order Granting in Part and Denying in Part
23 Plaintiffs' Motion for Summary Judgment and Denying Defendants' Rule 12
24 Motion to Dismiss and Granting Alternative Motion for Summary Judgment as to
25 the Sixth Claim for Relief, Dkt. 114, the Order Granting in Part and Denying in
26 Part Defendants' Motion to Alter Judgment, Dkt. 144, and for the reasons set forth
27 therein, the Court hereby enters judgment as follows:

1 1. Judgment is entered in favor of Plaintiff Saint Francis Prayer Center
2 with respect to the First Claim for Relief; in favor of Plaintiffs CALifornians for
3 Renewable Energy and Michael Boyd with respect to the Second Claim for Relief;
4 in favor of Plaintiff Sierra Club with respect to the Third Claim for Relief; in favor
5 of Plaintiff Citizens for Alternatives to Radioactive Dumping with respect to the
6 Fourth Claim for Relief; and, in favor of Plaintiff Ashurst Bar/Smith Community
7 Organization with respect to the Fifth Claim for Relief.

8 2. Judgment is entered in favor of Defendants U.S. Environmental
9 Protection Agency (“EPA”) and Scott Pruitt, Administrator of EPA, with respect
10 to Plaintiffs’ Sixth Claim for Relief.

11 3. The Court declares that the EPA’s failure to issue preliminary
12 findings and any recommendations as to Plaintiffs’ Title VI complaints numbered
13 01R-94-R5, 02R-00-R9, 01R-00-R6, 09R-02-R6, and 06R-03-R4 in accordance
14 with the timeline set forth in 40 C.F.R. § 7.115(c) constitutes agency action
15 unlawfully withheld, under the Administrative Procedure Act, 5 U.S.C. § 706(1).

16 4. The EPA shall timely process any pending and future Title VI
17 complaints submitted by Plaintiffs and accepted for investigation by EPA as
18 follows: for any pending investigation into a Title VI complaint submitted by any
19 Plaintiff, EPA must issue preliminary findings and any recommendations for
20 voluntary compliance, or otherwise resolve the complaint, within 180 days of the
21 date of entry of this judgment; for any Title VI complaint submitted by any
22 Plaintiff and accepted by EPA after the date of entry of this judgment, subject to
23 any extension agreement between the complainant and the party complained
24 against under 40 C.F.R. § 7.120, EPA must issue preliminary findings and any
25 recommendations for voluntary compliance, or otherwise resolve the complaint,
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1 within 180 days of the date of acceptance. The requirements of this paragraph
2 shall continue for a period of five years from the date judgment is entered.

3 5. The Court shall retain jurisdiction to enforce this judgment only as
4 to those complaints subject to Paragraph 4 above.

5 IT IS SO ORDERED.

6 Dated: 10/02/20


SAUNDRA BROWN ARMSTRONG
Senior United States District Judge

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